

REMARKS

Claims 10-23 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 10-12 and 17, drawn to a peptide having SEQ ID NO:1;

Group II, claims 13-16, drawn to a process of preparing the peptide of Group I;

Group III, claims 18-20 and 23, drawn to methods of treating neurophysiologic or neurologic disorders; and

Group IV, claims 21 and 22, drawn to a method of treating a heart disorder.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 10-12 and 17.

Applicants submit that the present invention is unitary under PCT Rules 13.1 and 13.2. In particular, the Examiner deems the unifying technical feature of the invention, the peptide of SEQ ID NO: 1, to be included in the prior art and therefore insufficient to establish unity of invention. The Examiner cites Surdaslal (2004) as evidence of the peptide in the prior art.

However, Surdaslal (2004) is not prior art to the present application, which claims priority to Indian application 136/CHE/2004, filed on February 20, 2004. On the other hand, Surdaslal (2004) was received by the publisher on February 26, 2004 (see the first page of the paper) and so is not prior art to the present application.

Thus, the present claims are a unitary invention and all of the claims in the present application should be examined.

Applicants note the provisions for rejoinder of MPEP 821.04.

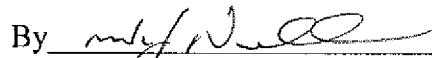
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Ph.D., Registration

No. 36,623, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 23, 2010

Respectfully submitted,

By 
Mark J. Nuell, Ph.D.
Registration No.: 36,623
BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive, Suite 260
San Diego, California 92130
(858) 792-8855
Attorney for Applicant